

AUS920010822US1

REMARKS**U.S.C. § 112**

Claim 30 stands objected to under U.S.C. § 112 as indefinite for reciting "said external service" without providing antecedent basis for the phrase. In Applicants' previous Response to the Office Action Dated September 3, 2003, filed on December 2, 2003, Applicants corrected this typographical error by changing "said external service" to "said external server." Claim 30 currently recites "said external server" and there is antecedent basis for this phrase. The objection should be withdrawn.

U.S.C. § 102

Claims 1 – 59 stand rejected under 35 U.S.C § 102(e) as being anticipated by Polcyn (U.S. Patent No. 6,614,885). To anticipate claims 1-59 under 35 U.S.C § 102(e), two requirements must be met. The first requirement to anticipate is that Polcyn must disclose each and every element as set forth in the claims 1-59. The second requirement to anticipate is that Polcyn must enable claims 1-59. As demonstrated below, Polcyn does not meet either requirement and therefore does not anticipate claims 1-59.

Polcyn Does Not Disclose Each And Every Element Of Applicants' Claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The meaning of *Verdegaal* for the present case is that Polcyn must disclose each and every element of claims 1-59. Polcyn does not. The rejection should therefore be withdrawn and Applicants' claims should be allowed. Reconsideration of claims 1-59 is respectfully requested.

AUS920010822US1

Independent claim 1 claims a "method for externally identifying a particular callee" including "receiving a voice utterance for a callee at a server external to a trusted telephone network, wherein said trusted telephone network is processing a call to said callee; and identifying a callee identity associated with said voice utterance at said server, such that said callee identity is transmittable as an authenticated identity of said callee for a call." The office action states that claim 1 is disclosed at column 3, line 46 - column 4, lines 1 - 36 of Polcyn. In stark contrast to independent claim 1, the cited section of Polcyn actually discloses a call director that conducts a dialogue with the caller and asks the caller to speak the name of a product or service that the caller would like more information about or to speak the name of a department or individual to whom the caller would like to be connected. The call director records the caller's response and a voice recognition system uses a vocabulary voice recognition algorithm to recognize the caller's request. The call is then directed according to the recognized request. Polcyn, column 3, line 46 - column 4, lines 1-36. Polcyn does not disclose "method for externally identifying a particular callee," "receiving a voice utterance for a callee at a server external to a trusted telephone network," "identifying a callee identity associated with said voice utterance at said server" or a "callee identity [that] is transmittable as an authenticated identity of said callee for a call." In fact, Polcyn does not even mention identifying a particular callee, receiving voice utterances of a callee, or trusted or untrusted networks. Polcyn therefore does not disclose each and every element of independent claim 1 and therefore does not anticipate claim 1. Claim 1 is patentable and should be allowed.

Dependent claims 2-6 depend from independent claim 1 and include all of the limitations of claim 1. Because Polcyn does not disclose each and every element of claim 1, Polcyn does not disclose each and every element of claims 2-6. Claims 2-6 are therefore also patentable and should be allowed.

AUS920010822US1

Independent claims 7 and 14 claim system and computer program product claims corresponding to method claim 1. More particularly, independent claims 7 and 14 recite system and computer program products for externally identifying a particular callee. The office action states claim 7 is disclosed at column 5, line 51 – column 6, line 4 of Polcyn and that claim 14 is disclosed at Figure 3 and column 6, lines 49-65. In fact, column 5, line 51 – column 6, line 4 cites a discussion of a large vocabulary voice recognition system. Figure 3 is a detailed diagram of a large vocabulary voice recognition system. Column 6, lines 49-65 discloses a call director that uses a voice recognition system to recognize a caller's request. The cited section of Polcyn does not even mention identifying a particular callee, receiving voice utterances of a callee, or trusted or untrusted networks. Polcyn therefore does not disclose each and every element of the system for externally identifying a particular callee of independent claim 7 or the computer program product for externally identifying a particular callee of independent claim 14. Independent claims 7 and 14 are therefore patentable and should be allowed.

Dependent claims 8-13 and 15-16 depend from independent claims 7 and 14 respectively and include all of the limitations of the independent claims from which they depend. Because Polcyn does not disclose each and every element of independent claims 7 and 14, Polcyn does not disclose each and every element of dependent claims 8-13 and 15-16. Claims 8-13 and 15-16 are therefore also patentable and should be allowed.

Turning now to claim 17, independent claim 17 claims "a method for specifying telephone services for a particular callee" including "detecting a call receipt condition from a destination device at a trusted telephone network; brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity." The office action states that claim 17 is disclosed at column 5, line 51 – column 7, line 40;

AUS920010822US1

Figure 1, 30 of Polcyn. The cited section actually discloses a large vocabulary voice recognition system. As discussed above, Polcyn discloses a call director that conducts a dialogue with the caller and asks the caller to speak the name of a product or service that the caller would like more information about or to speak the name of a department or individual to whom the caller would like to be connected. The call director records the caller's response and a voice recognition system uses a vocabulary voice recognition algorithm to recognize the caller's request. The call is then directed according to the recognized request. Polcyn, Column 4, lines 1-36. Polcyn does not disclose "specifying telephone services for a particular callee," "detecting a call receipt condition from a destination device at a trusted telephone network," "brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service," or "specifying services available to said callee according to said authenticated callee identity." In fact, Polcyn does not even mention specifying telephone services for a particular callee, trusted or untrusted networks, or detecting a call receipt conditions. Polcyn does not disclose each and every element of independent claim 17 and therefore does not anticipate claim 17. Claim 17 is therefore patentable and should be allowed.

Dependent claims 18-23 depend from independent claim 17 and include all of the limitations of claim 17. Because Polcyn does not disclose each and every element of claim 17, Polcyn does not disclose each and every element of claims 18-23. Claims 18-23 are therefore also patentable and should be allowed.

Independent claims 24 and 31 claim system and computer program product claims corresponding to method claim 17. More particularly, independent claims 24 and 31 recite system and computer program products for specifying telephone services for a particular callee. Independent claim 24 are rejected on the same grounds as independent claim 17. The office action also states that claim 31 is disclosed at column 7, lines 12-40; Figure 3, 32; column 6, lines 57-61; Figure 3, 12-N; Figure 3, 30; and column 5, line 51 –

AUS920010822US1

column 7, line 41 of Polcyn. The cited sections of Polcyn do not even mention specifying telephone services for a particular callee, trusted or untrusted networks, or detecting a call receipt conditions. Polcyn therefore does not disclose each and every element of the system for specifying telephone services for a particular callee of independent claim 24 or the computer program product for specifying telephone services for a particular callee of independent claim 31. Independent claims 24 and 31 are therefore patentable and should be allowed.

Dependent claims 25-30 depend from independent claim 24 and include all of the limitations of independent claim 24. Because Polcyn does not disclose each and every element of independent claim 24, Polcyn does not disclose each and every element of dependent claims 25-30. Claims 25-30 are therefore also patentable and should be allowed.

Turning now to claim 32, independent claim 32 claims "a method for informing a caller of a callee identity" including "detecting a call receipt condition from a destination device at a trusted telephone network; brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, transferring said authenticated callee identity to an origin device, such that a caller initiating said call at said origin device is informed of an identity of a party answering said call." The office action states that claim 32 is disclosed at column 6, lines 57-61; Figure 3, 12-N; Figure 3, 30; column 5, line 51 – column 7, line 41 of Polcyn. In stark contrast to independent claim 32, the cited sections of Polcyn disclose a call director that conducts a dialogue with the caller and asks the caller to speak the name of a product or service that the caller would like more information about or to speak the name of a department or individual to whom the caller would like to be connected. The call director records the caller's response and a voice recognition system uses a vocabulary voice recognition algorithm to recognize the

AUS920010822US1

caller's request. The call is then directed according to the recognized request. Polcyn, column 4, lines 1-36; and column 6, lines 57-61; Figure 3, 12-N; Figure 3, 30; column 5, line 51 – column 7, line 41. Polcyn does not disclose "a method for informing a caller of a callee identity," "detecting a call receipt condition from a destination device at a trusted telephone network," "brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service," or "transferring said authenticated callee identity to an origin device, such that a caller initiating said call at said origin device is informed of an identity of a party answering said call." In fact, Polcyn does not even mention informing a caller of a callee identity, detecting a call receipt condition, brokering a connection, or transferring an authenticated callee identity to an origin device. Polcyn does not disclose each and every element of independent claim 32 and therefore does not anticipate claim 32. Claim 32 is patentable and should be allowed.

Dependent claims 33-41 depend from independent claim 32 and include all of the limitations of claim 32. Because Polcyn does not disclose each and every element of claim 32, Polcyn does not disclose each and every element of claims 33-41. Claims 33-41 are therefore also patentable and should be allowed.

Independent claims 42 and 52 claim system and computer program product claims corresponding to method claim 32. More particularly, independent claims 42 and 51 recite system and computer program products for informing a caller of a callee identity. Claim 42 was rejected on the same grounds as claim 32. The office action states that each and every element of claim 52 is found at Figure 3, 32; Figure 3, 12-N; Figure 3, 30; column 5, line 51 – column 7, line 41 of Polcyn. The cited sections of Polcyn do not even mention informing a caller of a callee identity, detecting a call receipt condition, brokering a connection, or transferring an authenticated callee identity to an origin device. Polcyn therefore does not disclose each and every element of the system for informing a caller of a callee identity of independent claim 42 or the computer program

AUS920010822US1

product for informing a caller of a callee identity of independent claim 52. Independent claims 42 and 52 are therefore patentable and should be allowed.

Dependent claims 43-51 and 53-59 depend from independent claims 42 and 52 respectively and include all of the limitations of independent claims from which they depend. Because Polcyn does not disclose each and every element of independent claims 42 and 52, Polcyn does not disclose each and every element of dependent claims 43-51 and 53-59. Claims 43-51 and 53-59 are therefore also patentable and should be allowed.

Polcyn Is Not An Enabling Disclosure Of Applicants Claims.

Not only must Polcyn disclose each and every element of the claims of the present invention within the meaning of *Verdegaal* in order to anticipate claims 1-59, but also Polcyn must be an enabling disclosure of claims 1-59 within the meaning of *In re Hoeksema*. In *Hoeksema* the claims were rejected because an earlier patent disclosed a structural similarity to the applicant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Polcyn places claims 1-59 in the possession of a person of ordinary skill in the art Polcyn is legally insufficient to anticipate claims 1-59 under 35 USC 102(e). As shown below, Polcyn's description of operating a highly distributed interactive voice response system does not place one of skill in the art in possession of Applicants' claims and therefore does not anticipate Applicant's claims.

AUS920010822US1

Independent claim 1 claims "method for externally identifying a particular callee" including "receiving a voice utterance for a callee at a server external to a trusted telephone network, wherein said trusted telephone network is processing a call to said callee; and identifying a callee identity associated with said voice utterance at said server, such that said callee identity is transmittable as an authenticated identity of said callee for a call." In stark contrast to independent claim 1, Polcyn discloses a call director that conducts a dialogue with the caller and asks the caller to speak the name of a product or service that the caller would like more information about or to speak the name of a department or individual to whom the caller would like to be connected. The call director records the caller's response and a voice recognition system uses a vocabulary voice recognition algorithm to recognize the caller's request. The call is then directed according to the recognized request. Polcyn, column 3, line 46 -column 4, lines 1-36. Polcyn do not disclose "method for externally identifying a particular callee," "receiving a voice utterance for a callee at a server external to a trusted telephone network," "identifying a callee identity associated with said voice utterance at said server" or a "callee identity [that] is transmittable as an authenticated identity of said callee for a call." In fact, Polcyn does not even mention identifying a particular callee, receiving voice utterances of a callee, or trusted or untrusted networks. Because Polcyn does not even mention elements of claim 1, Polcyn cannot place claim 1 in the possession of one of skill in the art. Polcyn is therefore legally insufficient to enable independent claim 1. Claim 1 is patentable and should be allowed.

Dependent claims 2-6 depend from independent claim 1 and include all of the limitations of claim 1. Because Polcyn does not place one of skill in the art in the possession of claim 1, Polcyn cannot place claims 2-6 in the possession of one of skill in the art. Claims 2-6 are therefore also patentable and should be allowed.

Independent claims 7 and 14 claim system and computer program product claims corresponding to method of independent claim 1. More particularly, independent claims

AUS920010822US1

7 and 14 recite system and computer program products for externally identifying a particular callee. Polcyn does not even mention identifying a particular callee, receiving voice utterances of a callee, or trusted or untrusted networks. Polcyn therefore does not place one of skill in the art in possession of the system for externally identifying a particular callee of independent claim 7 or the computer program product for externally identifying a particular callee of independent claim 14. Independent claims 7 and 14 are therefore patentable and should be allowed.

Dependent claims 8-13 and 15-16 depend from independent claims 4 and 14 respectively and include all of the limitations of independent claims from which they depend. Because Polcyn does not place one of skill in the art in possession of independent claims 7 and 14, Polcyn does not place one of skill in the art in possession of dependent claims 8-13 and 15-16. Claims 8-13 and 15-16 are therefore also patentable and should be allowed.

Turning now to claim 17, independent claim 17 claims "a method for specifying telephone services for a particular callee" including "detecting a call receipt condition from a destination device at a trusted telephone network; brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity." In stark contrast to independent claim 17, Polcyn discloses a call director that conducts a dialogue with the caller and asks the caller to speak the name of a product or service that the caller would like more information about or to speak the name of a department or individual to whom the caller would like to be connected. The call director records the caller's response and a voice recognition system uses a vocabulary voice recognition algorithm to recognize the caller's request. The call is then directed according to the recognized request. Polcyn, column 3, line 46 – column 4, lines 1-36. Polcyn does not disclose

AUS920010822US1

"specifying telephone services for a particular callee," "detecting a call receipt condition from a destination device at a trusted telephone network," "brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service," or "specifying services available to said callee according to said authenticated callee identity." In fact, Polcyn does not even mention specifying telephone services for a particular callee, trusted or untrusted networks, or detecting a call receipt conditions. Because Polcyn does not even mention elements of claim 17, Polcyn cannot place one of skill in the art in possession of independent claim 17. Polcyn is therefore legally insufficient to enable claim 17. Claim 17 is patentable and should be allowed.

Dependent claims 18-23 depend from independent claim 17 and include all of the limitations of claim 1. Because Polcyn does not place one of skill in the art in possession of claim 17, Polcyn does not place one of skill in the art in possession of claims 18-23. Claims 18-23 are therefore also patentable and should be allowed.

Independent claims 24 and 31 claim system and computer program product claims corresponding to method of independent claim 17. More particularly, independent claims 24 and 31 recite system and computer program products for specifying telephone services for a particular callee. In fact, Polcyn does not even mention specifying telephone services for a particular callee, trusted or untrusted networks, or detecting a call receipt conditions. Polcyn therefore does not place one of skill in the art in possession of the system for specifying telephone services for a particular callee of independent claim 17 or the computer program product for specifying telephone services for a particular callee of independent claim 31. Independent claims 24 and 31 are therefore patentable and should be allowed.

Dependent claims 25-30 depend from independent claim 24 and include all of the limitations of independent claim 24. Because Polcyn does not place one of skill in the

AUS920010822US1

art in possession of independent claim 24, Polcyn does not place one of skill in the art in possession of dependent claims 25-30. Claims 25-30 are therefore also patentable and should be allowed.

Turning now to claim 32, independent claim 32 claims "a method for informing a caller of a callee identity" including "detecting a call receipt condition from a destination device at a trusted telephone network; brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, transferring said authenticated callee identity to an origin device, such that a caller initiating said call at said origin device is informed of an identity of a party answering said call." In stark contrast to independent claim 32, Polcyn discloses a call director that conducts a dialogue with the caller and asks the caller to speak the name of a product or service that the caller would like more information about or to speak the name of a department or individual to whom the caller would like to be connected. The call director records the caller's response and a voice recognition system uses a vocabulary voice recognition algorithm to recognize the caller's request. The call is then directed according to the recognized request. Polcyn does not disclose "a method for informing a caller of a callee identity," "detecting a call receipt condition from a destination device at a trusted telephone network," "brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service," or "transferring said authenticated callee identity to an origin device, such that a caller initiating said call at said origin device is informed of an identity of a party answering said call." In fact, Polcyn does not even mention informing a caller of a callee identity, detecting a call receipt condition, brokering a connection, or transferring an authenticated callee identity to an origin device. Because Polcyn does not even mention elements of claim 32, Polcyn does not place one of skill in the art in possession of independent claim 32. Polcyn is therefore legally insufficient to enable independent claim 32. Claim 32 is patentable and should be allowed.

AUS920010822US1

Dependent claims 33-41 depend from independent claim 32 and include all of the limitations of claim 32. Because Polcyn does not place one of skill in the art in possession of claim 32, Polcyn does not place one of skill in the art in possession of claims 33-41. Claims 33-41 are therefore also patentable and should be allowed.

Independent claims 42 and 52 claim system and computer program product claims corresponding to method claim 32. More particularly, independent claims 24 and 31 recite system and computer program products for informing a caller of a callee identity. As discussed above, Polcyn does not even mention informing a caller of a callee identity, detecting a call receipt condition, brokering a connection, or transferring an authenticated callee identity to an origin device. Polcyn therefore does not place one of skill in the art in possession of the system for informing a caller of a callee identity of independent claim 42 or the computer program product for informing a caller of a callee identity of independent claim 52. Independent claims 42 and 52 are therefore patentable and should be allowed.

Dependent claims 43-51 and 53-59 depend from independent claims 42 and 52 respectively and include all of the limitations of independent claims from which they depend. Because Polcyn does not place one of skill in the art in possession of independent claims 42 and 52, Polcyn does not place one of skill in the art in possession of dependent claims 43-51 and 53-59. Claims 43-51 and 53-59 are therefore also patentable and should be allowed.

Conclusion

Claims 1 – 59 stand rejected under 35 U.S.C § 102(e) as being anticipated by Polcyn. Polcyn fails to meet either requirement of anticipation. First, Polcyn does not disclose each and every element as set forth in the claims 1-59. Second, Polcyn does not enable claims 1-59. As such, Polcyn does not anticipate claims 1-59. Claims 1-59 are therefore

AUS920010822US1

patentable and should be allowed. Reconsideration of claims 1-59 in light of the present remarks is respectfully requested.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Date: 4-21-03

By:

Respectfully submitted,


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